

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**FEMHEALTH USA, INC.,
d/b/a CARAFEM,
Plaintiff,**

v.

**RICKEY NELSON WILLIAMS, JR.,
et al.,
Defendants.**

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**Case No. 3:22-cv-00565
Judge Campbell/Frensley**

ORDER

This matter is now before the Court upon Defendants’ “Motion to Stay Proceedings Pending Resolution of Appeal.” Docket No. 70. Defendants have also filed a Supporting Memorandum. Docket No. 71. Plaintiff has filed a Response in Opposition. Docket No. 76. Defendants have filed a Reply. Docket No. 78. In their Reply, Defendants have informed the Court that “while this Motion was pending, some of the Defendants in this civil action have been indicted in a criminal case brought by the Department of Justice alleging violations of the FACE Act.” Docket No. 78, p. 3. Defendants argue that “[t]o subject those Defendants to discovery and depositions and cross-examination while the criminal case is pending would be inconsistent with their Fifth Amendment and other rights in the criminal case.” *Id.* Defendants do not further develop this argument nor provide any additional information that would allow the Court to decide whether the case should be stayed on this basis. Additionally, the Court has not had an opportunity to hear from Plaintiff on the issue.

Therefore, no later than October 25, 2022, Defendants are ordered to file with the Court a memorandum of no more than ten pages providing Defendants’ legal and factual basis for arguing that a stay of this matter is appropriate given the pending criminal matter to which Defendants

have referred. Plaintiff will then have until November 1, 2022, to file a response not to exceed ten pages.

The Case Management Conference currently set to take place on **November 2, 2022, at 9:00 A.M.** is canceled and will be rescheduled if necessary.

IT IS SO ORDERED.



JEFFERY S. FRENSLEY
United States Magistrate Judge